

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7567 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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NARAN @ NARIYO DEVJI KOLI

Versus

COMMISSIONER OF POLICE

Appearance:

MS DR KACHHAVAH for Petitioner

Mr Kamal Mehta, AGP, for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 06/11/96

ORAL JUDGEMENT

It is now well settled that merely because the detenu is a bootlegger, he cannot be preventively detained under the provisions of Gujarat Prevention of Anti-Social Activities Act, 1985 (hereinafter referred to as 'the PASA Act') unless, as laid down in sub-section (4) of section 3 of the Act, his activities as a bootlegger affect adversely or are likely to affect adversely the maintenance of public order. Reference may be made to a decision of the Apex Court in the case of Piyush v. Police Commissioner, Ahmedabad, reported in AIR 1989 SC 491. With the assistance of the learned Advocates, I have gone through the material available on record. There is nothing to show that the activities of the petitioner as a bootlegger, has affected adversely or likely to affect adversely the maintenance of public order. Thus, in my view, the order of detention is illegal and is not sustainable.

2. In view of the aforesaid, this Special Civil Application is allowed and the order of detention dated 29.4.1996 is quashed and set aside. The

petitioner-detenu shall be released forthwith if not
required in any other case.

Rule is made absolute accordingly.

/mohd/